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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

IN RE:

CARL LOYD LAWRENCE
VICKI LYNN LAWRENCE

A/K/A 1:
D/B/A 1:

*
* CHAPTER 13
* CASE NO: 10-10303 -RLJ-13
*
* JUDGE: Robert L. Jones
* HEARING DATE: AUGUST 26, 2013
* HEARING TIME: 11:00 A.M.

A/K/A 2:
D/B/A 2:

**NOTICE OF HEARING, PRE-HEARING CONFERENCE
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION**

NOTICE OF HEARING

On AUGUST 26, 2013, which is at least twenty-eight (28) days from the date of service hereof, at 11:00 o'clock A.M. a **HEARING** on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge, in room 2201 U.S. Courthouse, 3rd & Pine Street, Abilene, Texas. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A **PRE-HEARING CONFERENCE** will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location 2201 U.S. Courthouse, 3rd & Pine Street, Abilene, Texas. Hearings on Motions to Modify Plans with objections not resolved at the **PRE-HEARING CONFERENCE** will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 U.S.C. 1329 the attached "Modification of Plan" dated July 10, 2013, **will be** by the Court as the Debtor's Modified Chapter 13 Plan unless a party in interest files a written "Objection to the Modification" within twenty one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "**Objection to Modification**" shall be made in writing to the following: United States Bankruptcy Court, Clerks's Office, 1205 Texas Avenue, Lubbock, TX 79401-4002, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola Avenue, Lubbock, Texas, 79424 and Debtor(s) Attorney at the above address.

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D/B/A 1:

A/K/A 2:
D/B/A 2:

MODIFICATION OF MODIFIED CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: July 10, 2013

Pursuant to 11 U.S.C. 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

HISTORY OF THE CASE

1. Date Case Filed: SEPTEMBER 3, 2010
 2. Date of Section 341 Meeting: OCTOBER 14, 2010
 3. First Payment Date: OCTOBER 3, 2010
 4. Date of Confirmation: December 3, 2010
 5. Total Plan Term Prior to this Modification: 60
 6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 34
 7. Remaining Plan Term (subtract item 6 from the lessor of item 5 or 60 months): 26
 8. Amount of Arrears through the month prior to the date the Modification is filed: \$0.00
 9. Date Plan Payments are to Resume: AUGUST 3, 2013
(This must be the same month that the Modification is set for approval by the Court)
 10. Total Payments **Paid** to the Trustee through the month prior to the date the Modification is filed with the clerk: \$ 15,000.00
 11. Total Payments **Due** to the Trustee through the month prior to the date the Modification is filed with the clerk: \$ 13,600.00
 12. Total Payments **Due** to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$400.00
 13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:
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II.
MODIFICATION REQUESTED
(check 1 or more of the following 4 choices)

- ☐ Plan payments remain at \$_____ per month.
- ☒ **DECREASE** monthly payment from \$400.00 per month to \$275.00 per month (must coincide with resume date shown in item 9 above)
- ☐ Extend months from _____ months to _____ months (Not to Exceed 60 Calendar Months from Month of First Payment Date)
- ☐ Add balloon payment of \$_____ in _____ month (indicate how the balloon payment will be made)_____

All modifications which include a balloon payment will require testimony.

Any arrears indicated in item 8 above shall be cured by the following method:_____

III.
RESUMPTION OF PAYMENTS TO THE TRUSTEE
(all information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$275.00 will resume on or before AUGUST 3, 2013 (item 9 above) for 26 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount remains the same in the amount of \$_____.

Base amount will change from \$ 24,000.00 to \$22,825.00

If the base amount has changed complete the following:

Total Paid in as of the month prior to Modification Approval:	\$ 15,400.00
(+) Plus Total Payments to be made through the Remainder of the plan (making up any arrears in item 8 above):	<u>\$ 7,150.00</u>
(=)New Base Amount	<u>\$ 22,550.00</u>

V.
TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2009-03. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

☒ The unsecured creditor pool remains \$0.00.

☐ The unsecured creditor pool changes from \$_____ to \$_____.

V.
SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

CODE; A = ADD; D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT =CHANGE TO

Code	Name	Class	Amount	Collateral	Value	Int.	Monthly Payment Surrender Direct
S	EE & Gloria Goodrich	sec	\$21,432.11	Homestead	\$66,942.00		Surrender
S	EE & Gloria Goodrich	sec	\$5,300.44	Homestead arrears	\$66,942.00		Surrender

Note: Changes to any creditors above shall not be effective until the Modification is Approved.

VI.
ATTORNEY'S FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00, of which \$350.00 will be paid through the Plan by the Trustee.

VII.
REASON FOR MODIFICATION

This Modification is requested for the following reason(s): Debtor's health is failing and he is unable to work and maintain payments on the home. Therefore, they wish to surrender the home.

VIII.
BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

Dated: 7/18/13

Respectfully submitted,

/s/ KEVIN W. WILLHELM

KEVIN. W. WILLHELM
SBN 00785252
DEBTOR ATTORNEY

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan After Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on 7/18/13, to all the following parties and the attached matrix, by United States First Class Mail, proper postage affixed.

Walter O'Cheskey
6308 Iola Ave.
Lubbock, TX 79424

US Trustee
1100 Commerce St. 976
Dallas, TX 75252

/s/KEVIN W. WILLHELM
KEVIN W. WILLHELM
DEBTOR ATTORNEY

Label Matrix for local noticing
0539-1
Case 10-10303-rlj13
Northern District of Texas
Abilene
Mon Jul 15 15:24:47 CDT 2013

306 Federal Building
1205 Texas Avenue
Lubbock, TX 79401-4037

Abilene Cardiovascular Surgery PA
5823 N. Mesa, no. 312
El Paso, TX 79912-4607

Abilene Lung Physicians
1850 Hickory Suite 103
Abilene, TX 79601-2334

Attorney General of Texas
Bankruptcy Reporting Contact
PO Box 12017
Austin, TX 78711-2017

CANDICA L.L.C.
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

CHRYSLER FINANCIAL SERVICES AMERICAS, LLC
CO Shermeta, Adams & Von Allmen, P.C.
P.O. Box 80908
Rochester Hills, MI 48308-0908

(p)CHRYSLER FINANCIAL
27777 INKSTER RD
FARMINGTON HILLS MI 48334-5326

Capital One, N.a.
CO American Infosource
PO Box 54529
Oklahoma City, OK 73154-1529

Cardiology Consultants
1201 N 18th Street
Abilene, Tx 79601-2932

Chrysler Financial
PO Box 977
Roanoke, TX 76262-0977

Clinical Pathology Associates
PO Box 3138
Abilene, TX 79604-3138

Cmre Financial Services Inc
3075 E Imperial Hwy
Suite 200
Brea, CA 92821-6753

Countryplace Mortgage
15303 Dallas Pkwy Ste 90
Addison, TX 75001-6700

Credit Systems Intl In
Po Box 13564
Philadelphia, PA 19101

E.E. & Gloria Goodrich
P.O. Box 388
Konawa, OK 74849-0388

EE & Gloria Goodrich
CO Goodrich Law Firm
6417 Forest Highlands Drive
Fort Worth, TX 76132-4440

Farm Bureau Bank
PO Box 33427
San Antonio, TX 78265-3427

Hendrick Anesthesia Network
PO Box 3536
Abilene TX 79604-3536

Hendrick Medical Center
Collection Dept.
PO Box 3117
Abilene, TX 79604-3117

Hendrick Rehab
1934 Hickory No. 100
Abilene, TX 79601-2336

Internal Revenue Service
1100 Commerc St., Room 9B8
Mail Code 5020-DAL
Dallas, TX 75242-1100

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Joh H. Gullett, MD
1150 N 18th Street No. 402
Abilene, TX 79601-2931

John H. Gullett, MD
PO Box 1935
Provincetown, MD 02657-0345

Online Collections
PO Box 1489
Winterville, NC 28590-1489

Onyx Acceptance Corp- Captital One Finan
CO TSYS Debt Management
PO Box 5155
Norcross, GA 30091-5155

Recovery Management Systems Corporation
25 SE 2nd Ave. Ste. 1120
Miami, FL 33131-1605

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

TARGET NATIONAL BANK
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Taylor Electric Cooperative Inc.

PO Box 250

Merkel, TX 79536-0250

Texas Midwest emergency Physicians

PO Box 676240

Dallas, TX 75267-6240

Tnb-visa

PO Box 560284

Dallas, TX 75356-0284

Vanda, LLC

c/o Weinstein & Riley, P.S.

2001 Western Ave., Ste. 400

Seattle, WA 98121-3132

Vanda, LLC

CO Weinstein & Riley, P.S.

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West Central Tx Coll B

Po Box 2586

Abilene, TX 79604-2586

Carl Loyd Lawrence

P.O. Box 7662

Abilene, TX 79608-7662

Kevin W. Willhelm

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Abilene, TX 79605-4035

UST U.S. Trustee

1100 Commerce Street

Room 976

Dallas, TX 75242-1011

Vicki Lynn Lawrence

PO Box 7662

Abilene, TX 79608-7662

Walter 12,13 OCheskey

6308 Iola Avenue

Lubbock, TX 79424-2735